

**IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:07 cv 119**

**CHRISTOPHER WALTER ICKERT;** )  
**MARY HAYES ICKERT; EVAN** )  
**GARRETT ICKERT, a Minor, by his** )  
**Guardian Ad Litem Christopher Walter** )  
**Ickert; RYAN EDWARD ICKERT, a** )  
**Minor, by his Guardian Ad Litem** )  
**Christopher Walter Ickert; and** )  
**NATIONWIDE MUTUAL INSURANCE** )  
**COMPANY, as Subrogee of Christopher** )  
**Walter Ickert,** )

**Plaintiffs** )

**v** )

**UNITED STATES OF AMERICA;** )  
**TRAVIS BARRY ROLLINS and DAVID** )  
**WINSTON THOMPSON,** )

**Defendants.** )

**ORDER**

THIS CAUSE coming onto be heard before the undersigned pursuant to a document entitled “Notice of Settlement and Motion for Stay” (#33) and a motion entitled “Joint Motion for Stay” (#34). In the Notice of Settlement and Motion for Stay and the Joint Motion for Stay the parties request that the court stay all proceedings in this matter until the settlement documents have been executed and all payments made and a dismissal in this matter is filed. In the motions, the parties do not set forth a period of time during which it will be necessary to complete the settlement in this matter. The court notes that the claims of the minor plaintiffs Evan Garrett Ickert and Ryan Edward Ickert will have to be approved by the undersigned. The case is set as the first case for trial during the first session of court for the

undersigned for trials after March 1, 2009. As a result, it does not appear to the court that a stay of all proceedings in this matter is warranted. The court will deny, without prejudice, the Motion for Stay and will direct that the parties file with the court an additional motion setting forth the necessary reasons for the stay; an estimate of when the documents necessary to be signed in this matter will be executed; and also a proposal about when and where to conduct the hearing in regard to the settlement of the claims of the two minor children in this matter.

### **ORDER**

IT IS, THEREFORE, **ORDERED**:

1. The “Notice of Settlement and Motion for Stay” (#33) and the “Joint Motion for Stay” (#34) are hereby **DENIED** without prejudice; and

2. The parties are directed to file such additional motions as may be necessary on or before **October 24, 2008**, and report to the court why a stay is necessary; the estimate of how long it will take for the settlement documents to be prepared; and dates upon which a settlement hearing can be held before the undersigned for the court to consider proving the settlement of the claims of Evan Garrett Ickert, a minor child, and Ryan Edward Ickert, a minor child.

Signed: October 12, 2008

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

